

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PUBLIC INTEREST LEGAL
FOUNDATION,

CIVIL DIVISION

Plaintiff,

2:20-cv-00279-CRE

v.

DAVID VOYE, et al.,

Defendants.

CONSENT EMERGENCY MOTION TO STAY CASE

Due to the emergency situation in Allegheny County created by the Coronavirus disease, COVID-19, Defendants apply for an emergency stay effective until April 16, 2020 in this matter. In support of this emergency motion, Defendants set forth as follows:

1. Allegheny County Chief Executive Rich Fitzgerald (also a member of the Allegheny County Board of Elections), Allegheny County Elections Divisions Manager David Voyer, Allegheny County Board of Elections member Bethany Hallam, and Allegheny County Board of Elections member Samuel Demarco have been sued in their official capacities.

2. Assistant County Solicitors and the Allegheny County Law Department are representing Allegheny County and the individuals in this action.

3. On March 13, 2020, the federal government declared a national emergency concerning the Coronavirus disease, COVID-19.

4. The Allegheny County Health Department has issued a mitigation strategy to protect all residents that strongly encourages all non-essential businesses in Allegheny County to close for at least 14 days.

5. The Commonwealth of Pennsylvania has announced the closing of all schools through at least March 27, 2020.

6. The government of Allegheny County is required at this time of emergency to focus all of its available manpower and resources to addressing the essential needs of Allegheny County's residents and fulfilling its obligations to the populations it serves, including addressing the unique challenges COVID-19 presents for inmates at the Allegheny County Jail, the patients at the Kane Hospitals, the residents at the Shuman Juvenile Detention Center, the children and families in the family court system served by the Allegheny County Department of Children Youth and Families, the Health Department performing the vital work that falls upon it during this pandemic, and the population at large which depends on County government for essential services.

7. All individual Allegheny County departments have been called upon to assess, marshal, and if necessary, redeploy their resources to focus upon meeting these needs.

8. The Allegheny County Health Department has issued recommendations that all non-essential businesses close and that all non-essential personnel are not to report to work. Allegheny County also anticipates that there will be an increase in its employees needing to avail themselves of various leave times because of COVID-19, including employees actively involved in matters pending before the Court.

9. All County departments are being called upon to maintain minimum necessary staffing levels and/or requirements; this includes facilities that are required to operate 24/7 such as: the Allegheny County Jail; Shuman Juvenile Detention Facility; the County Police; the Emergency Services Department (including 911 and the Fire Marshall); the Medical Examiner; the Kane Hospitals; and parts of the Department of Human Services (including Children, Youth, and Families). By way of example:

- a. The Jail must devote its time and manpower to ensuring the health and safety of its inmate population and all personnel employed in this secure correctional facility;
- b. Shuman Juvenile Detention Facility must devote its time and manpower to ensuring the health and safety to its resident population and all personnel employed in this secure facility;

- c. The Kane Hospitals must devote their time and manpower to protecting this vulnerable population from COVID-19;
- d. The Department of Human Services, particularly Children, Youth, and Families, must devote its time and manpower to respond to Child Line calls, including home visits, shelter hearings, placement of children, and monitoring families in the child welfare system;
- e. The County Police must devote their time and manpower to provide security at the Greater Pittsburgh International Airport at this time of greater restrictions and new guidelines on air travel;
- f. Emergency Services, and the Medical Examiner must devote their time and manpower to performing their critical duties of public safety.

10. Allegheny County is also preparing for primary elections set for Tuesday, April 28, 2020. Allegheny County is preparing for this election to take place as planned, and also is planning on contingencies, and a sharp increase in mail-in balloting.

11. The Allegheny County Law Department is being called upon by all of these departments to provide legal advice concerning the new and unique questions created by COVID-19 and needs to be available to provide perform extensive new work necessitated by the COVID-19 emergency.

12. Allegheny County needs its employees to be able to devote as much time and attention possible to addressing the emergency situation created by COVID-19.

13. The Allegheny County Solicitor needs Law Department attorneys to be able to devote their time and attention to the new duties they are called upon to perform.

14. Defendants request an emergency stay in this matter effective until April 16, 2020. This will enable County employees and the County Law Department to expend its resources in a manner that best serves the interests of the residents of Allegheny County in this time of emergency.

15. Defendants have consulted with counsel for Plaintiff and they have consented to the filing of this motion.

WHEREFORE, Defendants request an emergency stay effective until April 16, 2020.

Respectfully submitted,

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